

## **REMARKS**

The enclosed is responsive to the Examiner's Office Action mailed on July 27, 2007. At the time the Examiner mailed the Office Action claims 1-23 were pending. By way of the present response the Applicants have: 1) amended no claims; 2) added no new claims; 3) have not canceled any claims. As such, claims 1-23 are now pending. The Applicants respectfully request reconsideration of the present application and the allowance of all claims now presented.

### **Claim Rejections – Double Patenting**

Claims stand rejected on the ground of non-statutory obviousness-type double patenting as being unpatentable over claims 1-33 of U.S. Patent No. 7,174,541. Although the conflicting claims are not identical, they are not patentably distinct from each other because claims 1-23 claim essentially the same or modification of claims 1-33 from Applicant's previous response. Applicants submit herewith a Terminal Disclaimer for U.S. Patent 7,124,401.

Claims stand rejected on the ground of non-statutory obviousness-type double patenting as being unpatentable over claims 1-24 of U.S. Patent No. 7,124,401. Although the conflicting claims are not identical, they are not patentably distinct from each other because claims 1-23 claim essentially the same or modification of claims 1-33 from Applicant's previous response. Applicants submit herewith a Terminal Disclaimer for U.S. Patent 7,174,541.

In light of the comments above, the Applicant respectfully requests the allowance of all claims.

**CONCLUSION**

For the reasons provided above, applicant respectfully submits that the current set of claims are allowable. If the Examiner believes an additional telephone conference would expedite or assist in the allowance of the present application, the Examiner is invited to call Thomas C. Webster at (408) 720-8300.

Authorization is hereby given to charge our Deposit Account No. 02-2666 for any charges that may be due.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Date: 8/29/08

/Thomas C. Webster/

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